S.B. CIVIL WRIT PETITION No.749/2000
RAM CHANDRA SHARMA & Ors. V/s DISTRICT COLLECTOR

4.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri A.K. Bajpai for the petitioner.
Shri Rajesh Jaiman for the respondents.

Learned counsel for the petitioner has assailed the order dated 28.10.1999 passed by the Collector, Dausa in revision petition filed at the instance of Mandir Murti Shri Gopal Ji Maharaj Virajman Mandir Shri Gopalgarh Bhandarej through Pujari Radhey Shyam Sharma. In the decision dated 30.3.1986 taken by Gram Panchayat Bhandarej whereby a plot of land of 70 Ft. x 33 Ft. admeasuring 2310 sq. ft. was allotted to the petitioner, was challenged. The learned District Collector after considering of the entire matter found that the Gram Panchayat by its earlier decision dated 10.1.1975 had refused to grant the very same land to the

petitioner on the ground of it being the land of deity. It was held that the deity was perpetual minor whose land could not be allotted by Gram Panchayat as per law.

Learned counsel for the petitioner has argued that the land in dispute was allotted to him in exchange of a peace of land which was surrendered and made available by him to the Gram Panchayat for construction of a Girls School. The Gram Panchayat having accepted the surrender of such land and having actually made use of the same, cannot now be permitted to question allotment of the land in dispute which was given in exchange.

Having heard learned counsel for the parties, I do not find that the order passed by the District Collector dated 28.10.99 suffered from any legal infirmity. Dismissal of this writ petition however would not preclude the petitioner from taking any

other legal remedy that may be available to him to reclaim the land which as per his version he surrendered to the Gram Panchayat.

With these observations, this writ petition is dismissed with no order as to costs.

(MOHAMMAD RAFIQ),J.

CHAUHAN/